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Conscientious Objection-Human Right by Pat May

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a handbook for groups.

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is almost laughable, at a time when all nations of the world are agreed t peace is the only sure way of survival, that a person should actually be ndemned to death for refusing to take up arms. Yet this happened only ghteen months ago to Christopher Kanzanis, a young Greek conscientious

e term 'conscientious objector' is applied to those who by reason of their nscience refuse to be involved in war, or, by analogy, in military service. is covers a wide variety of motives; members of many religious sects refuse be involved in any violence and therefore refuse to fight or be trained for ghting; of these, some refuse only to be involved in any combatant duties will accept non-combatant duties; others refuse to be connected with litary service at all, even to the extent of doing non-combatant work; but stead of military service, accept alternative civilian service; others lieve that they must refuse even alternative civilian service, since such an ceptance, to them, means compromising with the system of military service.

well as those who follow the rulings of an organized religion, there are any individuals who, out of humanitarian or philosophical principles, feel at armed force is wrong. Such objectors are totally opposed to war in general. owever, there is another category of objector, the person who although he is ot a pacifist, refuses to fight in one particular war, or type of war, on the ounds that it is wrong or immoral. The problems of each category of conientious objector have been known in every country which has been at war where there is or has been compulsory conscription. The second category of pjector, the 'selective objector' has however been given more prominence by e Vietnam war and its effect on many young Americans who have been liable r conscription. The claims of this latter category may not appear to some to ave as much merit as those of total objectors to war; nevertheless they are aims of right and cannot be excluded from a general consideration of conientious objection as a human right.

ne right to refuse military service is perhaps not one of the most obvious of uman rights, but it is certainly a fundamental one, and must be contained in e United Nations 'Declaration of Human Rights', 1948, since it derives gically from the right of freedom of religion or conscience included in rticle 18 of the Declaration. One major problem, however, is that the oncept of conscientious objection to military service has never been ashionable'; even at present, when there is a growing apprehension that ghting means wars, that small wars lead to bigger wars, and that another fullale war would mean total annihilation. Perhaps, because fighting is supposed be a basic human instinct, refusal to fight is unconsciously felt to be not



quite normal or even cowardly. However, pacifism is a basic part of the religious or ethical code of many different groups of people and, as will be seen, those who have adhered to their principles have suffered as much as those persecuted for persisting in any other religious, political or ethical belief which is condemned by the state whose authority they have flouted, - and have often suffered more than those who have been involved in military service. But because the concept of conscientious objection lacks glamour, those who are persecuted for their refusal to do military service seldom attract the main beam of publicity. Since their 'crime' is a negative one, there is no dramatic demonstration of principle for the world to notice and sympathise with, unlike, for instance, the writers of Russia or the Freedom fighters of Southern Africa.

Thus, in spite of the very worthwhile efforts by organisations devoted to the cause of pacifism, the plight of those persecuted for holding to their belief in non-violence has largely escaped the concern of the world. Such people are the forgotten dissenters, persecuted for their beliefs with little interference to prevent such persecution. Their rights are as important as any other rights, but until their problem is brought to the notice of the world there will be a lack of that moral pressure so essential in establishing the recognition of human rights. It is hoped that once the facts concerning the widespread persecution of so many individuals are known, their cause may provoke the necessary concern. But since so many different groups in so many different countries are concerned, it is extremely difficult to initiate any co-ordinated campaign on behalf of conscientious objectors or even to collect information about what is happening to them in countries where their beliefs go unrecognised.

The treatment of conscientious objectors by different states and the discrimination against various categories of conscientious objectors is complex and fascinating, and a comprehensive survey would take a great deal more time and space than this paper, which is mainly confined to a study of those conscientious objectors, in a cross-section of states, who are being subjected to needless abuse and harsh punishments for remaining firm to their principles. It is hoped that this study will spotlight the worst situations, and point out where there is need for further reform in countries where the provisions for conscientious objectors are so limited as to be almost useless. *

* War Resisters International Survey on Conscientious Objection is to be published in the coming year.

> It must be emphasised that since information is so widely disseminated, only the tip of the iceberg can be seen. The cases which will be mentioned here have in the main been collected by Amnesty with the cooperation of other organisations and religious groups; however, Amnesty is the only organisation known by the author to have a library of case-histories of such prisoners of conscience; and Amnesty can only deal with those prisoners who have been brought to their notice either by Press references or by other organisations or individuals, and only acts on behalf of those who have agreed to its help.

> It will be noticed that a great many case-histories concern Jehovah's Witnesses. This is partly because the Society of Jehovah's Witnesses is extremely efficient in collecting information about what has happened to its members, and partly because, since Jehovah's Witnesses do not accept any form of national service at all, they are more widely penalised than other sects. On the first point some religious groups are afraid that any publicity concerning persecution of their members might lead to further punishment; on the second point, it should be emphasised that there are religious groups who, while officially accepting alternative service where such is provided, leave it to their members' consciences as to whether they will accept this compromise. While no definite case-histories have been put forward, it appears that individuals (particularly among the Society of Friends) have been known to refuse to compromise their religious beliefs by accepting military service.

In fact there must be many people whose cases have not been publicised and many others who are afraid that publication of their cases would only cause themselves or their families more trouble. Therefore the numbers involved cannot be accurately estimated at the present time; however, it seems that the total of those serving sentences for refusal to do military service must run into thousands.

The problem of conscientious objection mainly arises in those countries where compulsory military service still exists. However, the basic principles of conscientious objection exist in times of peace as in war; and although the cases mentioned concern conscientious objection to military service, it should be remembered that there have been many cases concerning regular soldiers who become conscientious objectors and wish to be discharged. However, the incidence of such cases is obviously far less frequent.

Some countries do not recognise the right of conscientious objection to military service at all; others only recognise it to the extent of providing a limited form of non-combatant service. Refusal to do military service, where conscientious objection is not accepted as a right by the state

concerned, naturally constitutes a criminal offence, and the conscientious objector is punished in the same way as any other criminal. Punishment can take the form of fines or loss of civil rights - which can mean that the conscientious objector will no longer be able to find work in his country. In many cases prison sentences are imposed – often for long periods and punishments are equivalent to those for serious criminal offences. The conscientious objector seldom receives more rights or privileges than any criminal and is often confined in appalling conditions. Worse still, since in many countries a man continues to be liable for military service until he reaches the age limit for conscription, when a conscientious objector has ended one sentence, he is called up again immediately, and when he again refuses to obey military orders, is resentenced. He can thus be punished repeatedly for the same offence. It is impossible to deal with such a problem in general terms, however. To gain an understanding of the scope of the penalties incurred by conscientious objectors, firstly the position in Western European countries, where there are no provisions for conscientious objectors, will be considered; then that in Communist countries; then the difficulties arising where countries have limited provisions for conscientious objectors; and finally the problems facing selective conscientious objectors, i.e. those who object to certain wars, or types of war.

In Western Europe, now, the majority of countries recognise to some degree the right to refuse military service. However, there are glaring exceptions. Mention was made at the beginning of this paper of the death sentence passed on a young Greek conscientious objector, Christos Kanzanis, a Jehovah's Witness. This religious group takes its principles from direct interpretation of the bible. They believe that Christians must keep a strictly neutral position with regard to the affairs of the state. They are opposed to all armed force and therefore to military service or any substituted form, since they feel that such compromise would be wrong, although they play their part in any civilian project unconnected with military service where citizens' aid is required. This viewpoint is sometimes regarded as extreme, but its members will take the most extreme consequences for these beliefs; it should be remembered how thousands of Jehovah's Witnesses in Hitler's Germany were put into concentration camps and persecuted for the courageous stand that they took against Nazism.

In Greece the law provides that every male between the ages of 21 and 35 is liable to do a period of 18 to 21 months military service. There is no recognition of the right of conscientious objection and the Constitution

expressly excludes the right to refuse on religious grounds. ⁽¹⁾ Kanzanis was first called up for service in 1964 and when he refused he was sentenced to a term of imprisonment; towards the end of that term he was again called up and when he again refused he was sentenced to death, on a charge of refusing to take up a weapon. It is fortunate that there was such a storm of international protest that the sentence was commuted to imprisonment for four and a half years. This sentence seems very lenient by comparison, but it should be pointed out that in Greece any sentence of over 5 years carries automatic loss of civil rights. Apart from the more unpleasant consequences of such loss, this means that a person is no longer liable for military service. Therefore, when Kanzanis ends his term of imprisonment in 1970 there is nothing to prevent his recall for military service and the imposition of another sentence when he refuses.

There are in fact 43 Jehovah's Witnesses in Greece known to Amnesty who are serving prison sentences as conscientious objectors. Because they are sentenced repeatedly to successive terms of imprisonment, it is common for them to spend twelve years or more in prison. Treatment while in prison depends on the particular prison authorities. Where there is a strong Greek Orthodox influence treatment is harsh, but in other places, since conscientious objectors generally are better-educated than the average prisoner, they often receive more agreeable work to do, such as clerical work. Jehovah's Witnesses do not regard themselves as political prisoners, since their stand is based on their religious beliefs and they are entirely neutral on all political issues.

Kanzanis was not the only man to receive a death sentence. Another Witness, George Roussopoulos, was also sentenced to death a few months before Kanzanis, but his sentence was commuted to 7 years imprisonment.

It is worth noting that there is a great discrepancy in the manner of sentencing conscientious objectors in Greece. One man may receive a 5 year sentence, which as mentioned above prevents him from being obliged to do military service again, while another may receive a sentence of four years and ten months, which means that he can be recalled and resentenced the moment the last term of imprisonment is served.

The situation is as bad in Spain. Call-up age is twenty-one and liability continues until the age of 45. There is no recognition of the right of conscientious objection and all men are liable for service except Catholic priests.

(1) Art. 2 S.5 of the Constitution: 'Religious convictions cannot be used as grounds for exemption from the fulfilment of obligations to the State or for refusing to uphold the laws of the country."

In June, 1967, a new law was passed concerning religious liberty, and it was hoped that this would provide for exemption of all ministers of religion from military service. Since all Jehovah's Witnesses regard themselves as ministers, this would have solved their problem concerning military service. However, right-wing opinion prevailed and when the law was finally passed it provided that non-Catholic ministers, unlike Catholic priests, would still be liable for military service. Refusal to do military service is still a crime, which is committed anew each time a man refuses to obey a military order, and carries a penalty of imprisonment.

As the law stands, conscientious objectors can be given repeated terms of imprisonment indefinitely, since as soon as one term is ended they are again ordered to commence military duties, and are sentenced when they refuse. There are at least 67 Jehovah's Witnesses in prison, serving sentences ranging from first terms of six months to three years, to multiple terms totalling 14 years. In fact many face a lifetime in gaol for holding to their beliefs. It seems that the numbers of those given prison sentences increases each year. Of the 67 mentioned above, 20 were serving first sentences. Recent information shows that another 50 Jehovah's Witnesses are waiting to be sentenced.

One Witness, Carlos Fenoll Avila, has just received his fourth sentence. He has been in prison since 1963, and after serving this sentence will have spent $11\frac{1}{2}$ years in prison. Two others, Juan Rodriguez Segarra and Antonio Sanches Medina, have just received third terms of imprisonment which bring their sentences to a total of 15 years. The case of 29-year-old Alberto Contijoch Berenguer has aroused much attention. He has been in prison since 1959, when he was first called up but refused to put on military uniform. Since then he has been released twice, called up again immediately and court martialled each time for 'wilfully disobeying an order'. After serving his last sentence he was transported to the Spanish Sahara. Cardinal Heenan heard about this case and when he was in Rome in September 1967 for the Bishops' Synod, he took the opportunity of bringing to the attention of the Spanish bishops the failure of their country to provide legal recognition of those who object to military service on religious grounds.

Although most cases known to Amnesty concern Jehovah's Witnesses, they are of course not the only religious group involved in the struggle of conscientious objectors in Spain. In December 1966, David Duran Gongora, a Seventh Day Adventist, was sentenced to 6 months imprisonment. On his release he was immediately put in custody of the military authorities to face a second trial. In February 1968, a report appeared in a Spanish newspaper that Ruben Escribano

Esteban, also a member of the Seventh Day Adventists, was sentenced to six years imprisonment for refusing to obey a command and take up arms on the sabbath. There are also many Quakers in Spain who would be effected but at the date of writing no information is available concerning their treatment. *

It is just possible that something may be done to prevent repeated sentences. In a civil case a Spanish court has held that where the offence is a continuing one (in this instance refusal to undergo a medical examination) the defendant could only be punished once for such an offence. This precedent will be used to argue the case against the imposition of recurrent sentences on conscientious objectors. It will be interesting to see if the argument will succeed.

No court-martial in Spain has ever acquitted anyone refusing to do military service on grounds of conscience. Although Spain is officially a Catholic country it has ignored a resolution by the Second Vatican Council declaring that 'laws make humane provisions for the case of those who, for reasons of conscience, refuse to bear arms.'

In fact the Vatican pronouncement has certainly been noticed. In August, 1967, an editorial in 'Ya', a national newspaper, tried to reconcile the Spanish attitude with the pronouncement. This attempt was scathingly rejected by a well-known Madrid lawyer, Eduardo Cierco Sanchez, in a Catholic magazine, 'El Ciervo'. Cierco pointed out how the 'Ya' editorial had so loosely interpreted the Vatican Council's text as to make it completely misleading. Much of the pressure to alter the law comes from non conscientious objectors in Spain. This pressure seems to be making itself felt; in April 1968, the Madrid newspaper, 'ABC' quoted a Senor Lopez, a sub-secretary of the Ministry of Justice as saying that '(regarding conscientious objection etc. and compulsory military service) an adequate formula is being sought that would reconcile religious liberty with the obligations of all Spaniards.' ... 'At the moment we are trying to soften the few situations that have been produced' 'Situations' no doubt being a euphemism for the fates of Berenguer and his brothers in conscience. It is hoped that this commitment will be acted upon.

Regrettably, the Vatican pronouncement has not yet had much effect in Italy. By Article 52 of the Italian Constitution the defence of the Fatherland is the sacred duty of the citizen; and military service is compulsory within the terms set down by the law. Although there are a number of provisions in the Constitution concerning freedom of religion and conscience, decisions of military courts have consistently held that conscientious objection is not

* Survey by Society of Friends in process of preparation.

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recognised in Italian law. Furthermore the Constituent Assembly has recently overruled a proposal that persons objecting to bearing arms for philosophical or religious reasons should be exempted.

A recent law has been introduced and approved in principle, presumably in face of demands for more enlightened action by the Consultative Assembly; it is the Legge Pedini. This provides that certain suitably qualified conscientious objectors might be permitted to go and work for a period in an underdeveloped country instead of doing military duties; however, it is unclear whether this will benefit many conscientious objectors or will really guarantee exemption from military service. In fact at present only Catholic priests are exempt from military service. For everyone, the call-up age is 20 and a man's liability for military service continues until he is 41. The law imposes severe penalties on conscientious objectors in order to ensure that compulsory service is carried out. The first sentence can range from 6 months to two years. The offence is viewed objectively: in one case, concerning a Catholic conscientious objector Giuseppe Gozzini, in 1962, the Florence Military Court refused to accept conscientious objection as mitigating circumstances when considering Gozzini's penalty for refusal to do military service. Furthermore, in Italy, too, a conscientious objector can be called up again and resentenced for refusal, in theory, until he is over call-up age. Of the 52 Jehovah's Witnesses at present imprisoned for refusing military service many have served 5 sentences. One Jehovah's Witness, Caleffi Giuliano, who is 25, has been resentenced five times and has so far spent 46 months in prison. His last sentence was 19 months. Another Jehovah's Witness, Ruggieri Dante, aged 23, has so far been sentenced to a total of 50 months imprisonment. The practice seems to be that a conscientious objector is ordered to put on military uniform while still in prison at the end of one sentence, and when he refuses he is rearrested, and eventually resentenced to another term. This happened to a Jehovah's Witness, Giuseppe lonata, aged 21, when he had served his second sentence. When he refused to put on uniform he was rearrested immediately. He is now serving a third sentence, and is only one of many subjected to this treatment.

Conscientious objectors do not receive any special treatment in prison. Conditions in Italian prisons are very bad. In fact, many conscientious objectors are eventually discharged before the age-limit for military service because of ill-health - probably due to the bad effects of years spent in these prisons.

It may not be unexpected that under such regimes as in Greece and Spain there is no recognition of such beliefs as conscientious objection. It is more surprising to find that Switzerland, which has compulsory conscription, does not recognise the rights of conscientious objectors or provide any form of

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alternative service. Men are liable to perform a period of military service every year while of age for conscription. Under the Swiss constitution the obligation to perform military service overrides the section guaranteeing freedom of religion and conscience. The only provision for those who are conscientious objectors by reason of religious beliefs is that once registered by the military authorities they may declare themselves to be conscientious objectors and may choose to do non-combatant work in the medical or clerical corps. However, they first have to comply with draft procedure. If they refuse to comply they are liable to receive prison sentences ranging from 3 days to 3 years, and can be sentenced year after year unless released from liability. But the Constitution does allow the court to substitute a sentence called arrets repressifs for conscientious objectors refusing military service tor religious reasons. This means that the prisoner may choose his work while in prison and have certain other privileges, e.g. more visitors. Furthermore from March 1st 1968, there will be provision for conscientious objectors to work outside prison during the day, at hospitals or in factories - under guard and to return to the prison at nights, and, presumably, weekends. In 1965 100 conscientious objectors refused military service, and it seems that the numbers are increasing.

There are differing reports concerning the Swiss authorities' attitude at present. According to one source of information, there is a tendency towards milder treatment. The maximum penalty appears to have been reduced to six months, and many have been released from further liability to perform military service after the first sentence. However, another source, namely the journal of Internationale de la Resistance a la Guerre, the Swiss Section of War Resisters International, reported that in 1966, 99 conscientious objectors were convicted, and that sentences for conscientious objectors are now more serious than they were two years ago; the first quarterly edition of the journal lists the cases of about 20 conscientious objectors of differing types who have been convicted during the last few months for refusing military service. These include the case of Hans Heiri Zurrer, a pacifist who was at one time a clergyman. He refused military service repeatedly and was eventually discharged from the army and his citizen's rights were withdrawn. In 1959 he applied for a post in the church. This was refused by the Church Council of the Zurich Canton - mainly, it is believed, on account of his conscientious objection and refusal to obey the laws concerning military service. He is liable to pay a military exemption tax and he has consistently refused to pay this; instead he sends the amount payable each year to various charitable institutions and sends the receipt for these donations to the military authorities, with an offer to pay the same amount to any non-military institutions nominated by the authorities. It appears that this offer is not

accepted and in November 1967 he is sentences each year have ranged from scientious objector, an anarchist, reimprisonment. He has so far served a not discharged from further military a another conviction. Similarly it is rewas sentenced for the second time to training and was not discharged.

Another conscientious objector Herm to six months imprisonment, was disc civil rights for a period of two years ment reflects the different attitude to straightforward religious reasons and cated moral or political reasons.

Fritz Tuller, secretary of the Swiss sentenced to four months imprisonme yearly service. He refused to attend expected to attend, he warned the of leaflets in which he stated that he re he stated, 'an army of a country tied countries which exploit the underdey and enlarge their privileges by milit Tuller has spent his last two summers Montoggio, a fact which he mention others to do likewise.

Hopefully it seems that in Europe, of the lot of conscientious objectors.

In September 1965, Amnesty Interna Europe, with which it has consultat conscientious objectors, and in May signed a motion recommending that should be instructed by the Committ the possibility of defining the guidin scientious objectors to abstain from conscience.' (Council of Europe, C

The Max Planck Institute was requested by the Legal Committee of the Co to prepare a study on the legal situation of conscientious objectors in the

faced his eighteenth conviction. His om one to three weeks. Another con- eceived his third sentence – of six months eleven months in total and since he was duty is liable for further recall and thus		me Co th or of
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ational drew the attention of the Council of tive status, to the subject of the rights of y, 1966 ten assembly members of the Council the Committee of Experts on Human Rights tee of Ministers of the Council to 'examine ing principles concerning the right of con- performing military service on grounds of Consultative Assembly, Doc.2170)		lı a o p c a f
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ember states of the Council of Europe, and in January, 1967 the Legal committee reported its findings to the Assembly, which adopted (inter alia) ne resolution that 'Having regard to Article 9 of the European Convention n Human Rights which binds member states to respect the individual's freedom conscience and religion persons liable to conscription for military ervice who for reasons of conscience or profound conviction arising from eligious, ethical, moral, humanitarian, philosophical or similar motives, efuse to perform armed service shall enjoy a personal right to be released rom the obligation to perform such service.' The Assembly outlined the rocedure to be adopted for registering as a conscientious objector, and the les for alternative service. It recommends, rightly, that conscientious bjectors should be dealt with by an administrative organisation entirely eparate from the military authorities; suggests that alternative service should e at least as long as military service, but gives no limit to the period of nilitary service, and finally recommends 'social and financial equality'. However, these recommendations do not take into consideration the fact that many ects, for instance Jehovah's Witnesses, find it against their beliefs to comply vith the suggested procedure for registration or any form of alternative service; either do they appear to take account of conscientious objectors who have no general objections to fighting but who refuse to fight in certain wars or under ertain conditions of service.

Moreover, the recommendations of the Committee of Experts are only applicable o member states of the Council of Europe, and of course there are conscientious objectors in almost every country, where there is conscription. In many countries where there is conscription and no provision for conscientious objectors, there is no adequate machinery for enforcement, so no problems have yet arisen, but in communist countries, where there is conscription and a very efficient machinery for enforcement, except for a very limited extent in Eastern Germany (see later) no form of conscientious objection is recognised.

In the USSR, for instance, the law is based on the total separation of religion and the state, and it is provided that 'no one may by virtue of his religious outlook decline to fulfil his obligations as a citizen'. The Russian Penal Code of 1926 specifically states, 'religious scruples are no excuse for failure to perform military duties'. In the 1961 Penal Code no actual mention is made of conscientious objection but there are articles dealing with the penalties for avoiding enlistment or military duties. Such offences are punishable by loss of freedom for one to three years. Since religious groups are not allowed to combine it is difficult to get information concerning them. However, it is known that there are religious groups in Russia who are opposed to war. It is estimated that there are about 40,000 Mennonites in Russia; this group

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'standing somewhere between the Baptists and the Quakers' are opposed to war, military service and conscription. There are also large number of Jehovah's Witnesses, as well as other sects with pacifist principles. In 1960 there were press reports concerning four Jehovah's Witnesses who were convicted in Odessa, and three members of a Pentecostal sect who were sentenced to six, five and three years in a forced labour camp. They were not in fact charged on religious grounds but with 'subversive activity against the safety of the state inspired by the imperialist instigators of war' !

It does appear, however, that other conscientious objectors are dealt with administratively. In 1960 there was a report that three members of the Malevanzy sect, who were conscientious objectors, were examined by the military authorities when called for service; their papers were then returned to them and they were told to go home. It seems that a small number are actually imprisoned for conscientious objections. However, it is very difficult to tell from reports of court proceedings whether the offences charged are those relating to conscientious objection, and it has proved impossible to obtain more definite information.

The situation in Eastern Germany is only slightly better; it seems that there is an extremely limited acknowledgment of conscientious objection. Since January, 1962 there has been compulsory military service for men between 18 and 26 years, of 18 months. In September, 1964 an amendment to the law was introduced, providing for the establishment of construction units under the Ministry of Defence. Thus those who objected to military service for religious or similar reasons can be permitted to join a construction unit once they have been recruited, instead of perfoming armed service. However, these Bausoldaten have to wear military uniform and to take an oath of loyalty to the Fatherland 'to work efficiently for the army and to defend the Socialist states against the enemy and to guard all military and state secrets'. They are supervised by regular officers and in fact are soldiers without arms. This type of service is not acceptable to many groups of conscientious objectors. There are now in prison 154 Jehovah's Witnesses serving sentences of an average term of 20 months. Of these, five are serving a second sentence. They are mainly in forced labour camps, working in copper mills, mines and railroads. Apart from Jehovah's Witnesses there are others who object to the form of alternative service offered, and it is understood that there have been other prison sentences passed on other kinds of conscientious objectors.

One such case is that of Wemer Wiedler, a Lutheran. In 1966, at the age of 22, he was sentenced to three years imprisonment for conscientious objection. The construction units themselves have not been trouble-free. In 1965 it was

However, the attitude of the East German authorities is progressive compared to other communist countries. In particular the situation in Yugoslavia is shocking. Yugoslavia does not recognise the right of conscientious objection and has no provisions at all even for conscientious objectors to perform noncombatant duties while in military service. Conscientious objectors are usually tried by courts martial, whose proceedings are not reported in the press.

The conscientious objectors here are mainly members of the Nazarene sect, a religious group who refuse to take up arms, deriving their principles from the Gospel commanding 'love your enemies'. There are about 15,000 Nazarenes in Yugoslavia, about 80% of whom are farmers. They live very quietly and take little part in public life. The individual congregations administer themselves and there is no elaborate superstructure from a central organisation. Nazarenes have a simple, perhaps naive attitude; they accept the authority of the government ruling their country since they believe that all governments have a sort of divine right. The only conflicts with the government are over the taking of oaths, since they will not swear, and over military laws. They accept conscription and only refuse to take up arms. They believe that they should endure any sort of persecution rather than compromise their Christian principles. And certainly the penalties inflicted on them have been among the worst imposed on conscientious objectors anywhere.

In 1960, Jan Stefanides, aged 20 and a Nazarene, was sentenced to nine years in solitary confinement for refusing to accept a weapon. The court 'rejected as without foundation' the defence that Stefanides' religious principles forbade him to accept a weapon, stating that although freedom of religion was granted to every citizen, such dogmas if acting in contradiction with any positive laws of the state cannot be justified by religious obligation. His sentence was so harsh because his conduct was 'very damaging to the community'.

In 1965 War Resisters International reported that about six young Nazarenes were being sentenced each year for refusal to carry weapons, to terms of imprisonment up to ten years. Some were receiving second and third sentences up to the age limit for service, 30 years. Nine young men were known to be serving sentences on Goli Otok, a prison on a barren island in the Adriatic. Among them were Dejan Jevremov, sentenced to ten years imprisonment in 1963 for an offence described by his father as 'his refusal to



reported that a unit of conscientious objectors was ordered to work at a military air base. Twelve refused to do so and eventually five of their number were imprisoned for 6 months.

there are still penalties for those conscientious objectors who refuse to accept this procedure. These new provisions make no difference to the problems concerning, for example, Jehovah's Witnesses who will not accept any form of alternative service. And since the new laws for conscientious objectors have been in force, it is reported that Jehovah's Witnesses are being treated more severely. There are between one and two hundred in prison at the present time. They usually receive two terms of imprisonment, normally 1 plus 1 or 2 plus 2 years. They are now treated as ordinary criminal offenders and are given no privileges. Not only Jehovah's Witnesses are serving prison sentences in France for conscientious objection. A case which should be mentioned briefly is that of Georges Pinet, a Paris lawyer. He returned his draft card and in 1967 was sentenced to four months imprisonment in Fresnes Prison. His objection as a Christian was based on the use of nuclear weapons, which as a selective conscientious objection, is not accepted in France. In many other countries, including Sweden, Norway, Western Germany and the USA, to name but a few, where there are provisions for conscientious objectors to perform alternative service, failure to comply with the regulations concerning registration and alternative employment is an offence, usually punishable by imprisonment. Apart from those belonging to certain sects which decree non-compliance with the procedure for registering as conscientious objectors, there are individuals whose beliefs prevent them from co-operating with the authorities. One such case is that of James Wilson, a member of the Catholic Worker Movement in the USA who was charged in 1966 with refusal to report for induction into the army. He had burned his draft card at an anti-Vietnam rally in 1965. He stated, 'I stand as a man who believes in total and complete non-violence as taught by Christ'. 'I am accused of the so-called crime of refusing to be inducted into the armed forces, to which I plead guilty; what I have done in fact is to refuse to be inducted into an institution that orders and trains men to kill.' He said the he had not applied for conscientious objector status since he could not co-operate in any way with the system and remain a good Christian. 'I would point out at a time like this, when the racial situation is in an uproar and there are riots in the streets and politicians deploring violence, that the people who believe in non-violence are being put behind bars.' He concluded by saying that he was not a 'draft-dodger' and if he was he would not have been on trial, since he could have registered as a conscientious objector and avoided military service on religious

carry arms and his belief in God'; A.... Demrovski, sentenced in 1966 to a term of 10 years; and Janko Ipac, sentenced to nine years in 1966: all these men were under 25 at the time of their sentence. Conditions in Goli Otok were extremely severe. An ex-prisoner, when interviewed in 1965, said that prisoners were mainly employed in quarries working on the cutting and refining of stone. The food rations provided no more than bare subsistence, inadequate to maintain good health since prisoners were worked to the point of exhaustion. Nazarenes received ill-treatment when they refused to work on Sundays. They were put in solitary confinement in tiny cells and their rations were halved. Although it was forbidden to attack prisoners, beatings did occur frequently. Relatives were only allowed visits three or four times a year. All this was endured as a result of adhering strictly to the commandment 'Thou shalt not kill'. Certainly these young Nazarenes have proved, by what they have been willing to endure, the sincerity of their beliefs. Over recent years Amnesty International and the War Resisters International have made strong representations to the Yugoslav Government about their concern for the Nazarene conscientious objectors. Whether coincidentally or not, there has been a marked improvement in the treatment. All conscientious objectors are now released after serving five years, and it appears that they will no longer be liable for further sentences. Conditions in prison have improved and relatives are able to visit more freely. However, there still do not seem to be any provisions for Nazarenes to serve in non-combatant posts while performing military service. While no details are available it appears that there are also Nazarenes serving sentences for refusal to do military service in Hungary, where they also undergo derision from the community. In Czechoslovakia, also, it is estimated that there are about 20 Jehovah's Witnesses and Seventh Day Adventists in prison. So far, only countries which have made no real provisions for conscientious objectors have been considered. Until recently France was in this category; military service was compulsory for all able-bodied men of 20 and over and all conscientious objectors were automatically given prison sentences by military tribunals, of about 30 months average, the maximum penalty being five years. In 1963, in response to much pressure a new act was passed guaranteeing the rights of conscientious objectors; this law provides that all will continue to be drafted but those who have declared themselves before enlistment to be conscientious objectors on religious or philosophic grounds and who are accepted as such by the authorities, are given non-combatant duties or sent to a civilian organisation to do work in the national interest. However,

grounds, that he had broken what was an immoral law, that he would die for anyone in the room but refused to kill. The judge - who was obviously a perceptive and intelligent man - said that Wilson had a great passion for humanity; 'he was not concerned to make a myth of martyrdom'. Wilson was given a sentence of two years probation. He was fortunate. It was reported in July 1967 that "dozens of Jehovah's Witnesses" were convicted and received sentences ranging from 1 year to the maximum of 5 years in Tulsa, Oklahoma, for draft violations.

The greatest problem concerning conscientious objectors in the USA at the moment, however, is that which has been dramatically brought to light by the Vietnam war. Hundreds of young Americans opposed to the continuance of the war in Vietnam have refused to be drafted for military service. The law provides for exemption from military service for anyone who 'by reason of religious training and belief is conscientiously opposed to the participation in war in any form' (s.j. Military Service Selection Act, 1967). This excludes the selective objector, who opposes a particular war or type of war. In 1967, 952 people were convicted for draft violations. This was the largest number in any year since the second world war. Offences ranged from failure to cooperate with the draft board and failure to report for induction to nonpossession of a draft card. Furthermore, statistics showed that longer sentences were given to offenders. The maximum sentence is 5 years and the maximum fine, 10,000 dollars. However, this has not deterred many from disobeying military orders. In July 1965 three students, David Samas, Dennis Mora and James Johnson, stationed at Fort Hood, Texas, were ordered to board a plane bound for Vietnam. They refused. They had, before their posting to Fort Hood, held a press conference to broadcast their intention to refuse to go to Vietnam, and had also filed a suit in the Federal Court challenging the legality of the Vietnam war on the grounds that it violated the Kellog-Briand treaty and went against the principles cited in the Geneva Accords, 1954, the UN Charter, the Nuremberg Judgments and the US Constitution. Their civil case was dismissed and they were arrested by the military authorities before the appeal was heard. They were tried and Samas and Johnson were sentenced to five years' hard labour, while Mora was sentenced to three years' hard labour.

The heaviest sentence since World War I was passed in October 1967, on Clifton Haywood, a Black Muslim, for two offences concerning draft evasion. He was sentenced to two consecutive 5 year sentences, making ten years in all, and a 20,000 dollar fine. ⁺ One may question whether the legislation,

⁺ The appeal against sentence is pending.

in providing that 5 years should be the maximum penalty, meant that courts could exceed the maximum sentence by imposing consecutive sentences on more than one count, relating to the same offence.

In assessing the sincerity of the average draft register, it may be argued that they are better off to receive a prison sentence than to go to Vietnam. But if 'draft-dodging' was their motive then many could have taken the easy way out by registering as conscientious objectors and claiming alternative service. For example, one 20-year-old, Christopher Curran, who in 1966 was sentenced to 18 months' hard labour for draft offences, bases his objection on the commandment, 'Thou shalt not kill'. Murphy Dowouis, who in January 1966 was sentenced to two years in gaol for non-cooperation with the draft laws, was an organiser of the Catholic Worker Movement and gave a statement of his principles of non-violence in the 'Catholic Worker' of November 1965. He was convinced that he should not cooperate with the Selection Service Act. It is, of course, equally true that many objectors would not gain exemption from military service since their reasons are based on objection to one war as opposed to war in general. The case of one particular person in this category which has aroused great interest is that of Captain Brett Levy. Captain Levy entered military service on a plan which allows doctors to finish their training in the army before being drafted. He had hitherto lived in a conventional Jewish middle class atmosphere, but his attitude towards life, it appears, underwent a profound change when during his medical training he was sent to Bellevue, a public city institution where he came into close contact with destitution and squalor. He was commissioned as a Captain but in fact given no basic military training. He was put in charge of the dermatology clinic at Fort Jackson, where he was expected to train Special Forces aidmen in the basic treatment of skin diseases for use in Vietnam. He was, at the time he entered the army, very concerned about the war and this concern grew while he was at Fort Jackson. He finally decided that he could not in all conscience train people going to fight in Vietnam, and felt that with only the scant knowledge he was able to give them of treatment they might do more harm than good. So he stopped. This was brought to the attention of his superiors, together with other facts about him; that he had been making anti-war statements and that he was active in many civil rights organisations. He was issued with a formal order to train Special Forces aidmen and when he refused, was court martialled. He was sentenced to three years imprisonment with hard labour. This man would in all likelihood never have been sent on active service, but he made his stand and received his punishment for conscientious beliefs, not as an objector in the more conventional sense, but because he had a moral objection to participating in a war which he felt to be unjust. Levy's defence counsel had in defence cited the Nuremberg doctrine that it is a soldier's duty to refuse orders which will result in crimes

against humanity. The court allowed this in evidence; in fact it marked the first occasion that an international ruling was accepted in an American court, but the defence failed to prove any consistent policy of war crimes.

It is not suggested that the dilemma concerning conscientious objection to certain wars is an easy one for governments to resolve. Their authority is obviously being threatened by the selective objector much more than by the total objector, who is somehow 'above' politics. However, the selective objector may be just as sincere in his beliefs as the total objector, and his offence merely one of conscience.

If the test was subjective, the overriding factor being the sincerity of the belief, then this problem might be solved.

Applications for exemption on selective - including political - grounds were certainly accepted in the United Kingdom during the war*, notably in the case of an Italian, Caesarei, who objected to fighting in the last stages of the war on the grounds that he might have to fire on his own relatives in the Italian army. The question of refusal to do military service on political grounds was considered by the court in another case, and it came to the conclusion that they must adopt a subjective test and find in favour of the individual if it was proved that he sincerely felt that the war was an unjust one, although they always insisted that 'the objection was so deeply held that it became a matter of inner conviction as to right and wrong and not merely an opinion'. +

In Australia, the law allows exemption to the conscientious objector 'whose beliefs do not allow him to engage in any form of military service'. One objector, David Monahan, was recently granted exemption on the grounds that he was opposed to western intervention in the Vietnam war, although he would be prepared to fight if Australia were attacked. Thus, here too political grounds are apparently accepted.

But of course not every claimant to exemption is accepted. There are many whose claims to exemption on political grounds have been rejected. Moreover it seems that the treatment of those who are not exempted is not all that it might be. A letter in the 'Guardian' (May, 1968) from Melbourne mentions the case of Simon Townsend, a 22-year-old journalist from Sydney, whose application for exemption from military service was rejected. He was duly drafted and refused

* There is no longer military service in England. + Hayes: Challenge of Conscience p.64.

to obey a military command. He was then placed in solitary confinement for 28 days on a bread and water diet. He was awoken every half hour throughout the day and night by military police. An Army minister, Mr. Lynch, when challenged about this report, confirmed it and explained it thus, 'to check he has not escaped and is still fit and well'. !

There are already regulations to ensure compliance with draft procedure. For instance, it is an offence for any person to employ for more than seven days a person who is required to register under the Act and has not registered or a person who has been called up for service and has failed to comply. However new legislation is proposed to prevent evasion of military service by those who do not register or who leave the country before call-up is due. The proposed Act will inter alia give the authorities power to search lists of employees of firms etc. to ascertain those of call-up age, and will 'fine airlines issuing tickets to those of call-up age - or parents who do not inform' -(about their sons leaving the country, it is supposed). This legislation is causing much concern amongst responsible liberal opinion in Australia, and it is easy to imagine the effect that it will have with its aura of the police state.

It is not the intention here to pontificate on the rights and wrongs of all or any war. There is, however, a deep concern that all men should have the right to act according to their conscience and be free to exercise this right.

Obviously a complete solution would only be possible in some Utopia where there was no war. The problem is mainly dormant in those countries, e.g. England, which have abolished military service - with the exception of those who become C.O.P. while serving in the regular army, - but even if all countries abolished compulsory military service there would doubtless still be wars, necessitating conscription, and the problem would therefore arise in this context. A realistic appraisal of the question is necessary in order to evolve a workable procedure to accommodate conscientious objectors and to alleviate unnecessary suffering.

Wherever countries try to make arrangements for conscientious objectors they will find the greatest difficulties in respect of those people who not only refuse military service but refuse to cooperate in any schemes for alternative service. Conscientious objectors in this category indeed seem almost to be receiving prison sentences for their refusal to compromise their beliefs. They have, in fact, shown by their willingness to suffer stringent penalties that their refusals to register as conscientious objectors or to do alternative service spring from motives as genuine as those refusing to do military duties.

The problem was quite recently discussed in a Swedish parliamentary debate concerning Jehovah's Witnesses, when a realistic attitude was taken. (Swed. Parl. Debate Nos. 72 and 80, 1966). In Sweden there are provisions for conscientious objectors to perform alternative service. Obviously Jehovah's Witnesses did not comply with the provisions and they were continually sentenced to terms of imprisonment. The Swedish government was unhappy about this and a committee was set up to investigate the problem and make proposals for a solution. The committee found that in no country could Jehovah's Witnesses be persuaded to perform any kind of service no matter what the consequences. It was therefore proposed that they should be exempt from military service and should not be called upon to perform it. They did not feel that thousands of people would become Jehovah's Witnesses in order to escape service, since all intending members were subjected to a stringent examination as to their convictions before being accepted by the sect. This proposal was accepted and no Swedish Jehovah's Witnesses are called up for service any more.

It is not to be expected, particularly in those countries where conditions for conscientious objectors are most unpleasant, that such an enlightened view will be adopted. However, an intensive and immediate campaign is vitally necessary to persuade all countries to recognise the right of conscientious objection and to allow total exemption; failing that, to make provision for alternative service; to deal humanely with those conscientious objectors who cannot, because of their convictions, comply with any form of alternative service; to release all conscientious objectors imprisoned for their beliefs; failing that, to ensure that long sentences and recurrent sentences are not imposed for such 'crimes of conscience', and to alleviate their conditions while in prison.

Where provisions are being made for alternative service, periods of alternative service should not be longer than the period for military service; the status of those doing military service and alternative service should be treated as equal, both socially and financially – and it should be borne in mind that a soldier is fed and clothed by the army whereas a man on civilian service may have to provide his own keep; finally, conscientious objectors whould be dealt with by a civilian board, not by the military authorities, to ensure that there is no connection with military service to that extent.

There seems to be a fear that if provisions for conscientious objection are too widely known many more than those entitled to do so will try to benefit by them. The safeguard should surely be in the selection procedure, rather than keeping such provisions secret, and it is strongly felt that people should be allowed to know of such rights and how to claim them.

Of course, the most urgent reforms are needed in those states where young men are being compelled to waste away years of their lives, often in appalling conditions, for sticking to their beliefs. Their principles in enduring such penalties cannot be doubted: their 'crime' is that of refusing to do what they believe to be wrong, yet they are receiving the sort of treatment usually meted out to murderers, thugs and swindlers.

Not only is it a terrible waste to the individual; it must be a terrible waste to their countries that young men, probably at the peak of their energies at a time when they are best able to exercise their assets, when faith and ideals are strongest, should deteriorate behind bars.

Efforts must be made to end long terms of imprisonment and repeated sentences, which must be morally wrong in such circumstances anywhere; where it is impossible to secure the release of conscientious objectors, efforts must be made at least to ensure their humane treatment while in prison.

If those governments, by their refusal to recognise this particular human right, continue to inflict such harsh penalties on those who would rather suffer than go against their beliefs, then it is up to the rest of the world, by voicing disapproval and by active pressure on Governments to recognise conscientious objection, to ensure that right is maintained and justice is done.

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